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OFFICE OF PETITIONS

In re Application of
Henry Falk et al
Application No. 10/762,852
Filed: January 22, 2004
Attorney Docket No. SIRF.P244

ON PETITION

This is a decision on the renewed petition filed June 4, 2009 under 37 CFR 1.137(b), to revive the above-identified application.


The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue fee; (2) the petition fee; (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$490 extension of time submitted on January 22, 2009 and \$490 extension of time submitted on June 4, 2009 were subsequent to the maximum extendable period for reply, these fees are unnecessary and will be credited to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Office of Data Management for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions